

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHRISTOPHER GRAY, et al.,)
Plaintiffs,)
v.)
ST. LOUIS CITY BOARD OF)
ELECTION COMMISSIONERS,)
Defendant.)
Case No. 4:16-cv-01548-AGF

PRE-HEARING ORDER

This matter is set for hearing on **Thursday, October 13, 2016, at 2:00 p.m.** in Courtroom No. 12-S on the issue of whether a preliminary injunction should be entered. Ahead of such hearing,

IT IS HEREBY ORDERED that counsel shall, no later than **October 12, 2016, at 4:30 p.m.**, file the following:

1. Briefs regarding Standing and/or Mootness: File a brief setting forth the parties' joint or respective positions on the issues of standing and/or mootness in light of the Missouri Court of Appeals' modified opinion in *Franks v. Hubbard*, No. ED 104797, and including citation to relevant caselaw.
2. Stipulation: Meet and jointly prepare and file a **JOINT** stipulation of all uncontested facts.
3. Witnesses:
 - (a) Deliver to opposing counsel, and to the Clerk, a list of all proposed witnesses, identifying those witnesses who **will** be called to testify and those who **may** be called, with a short synopsis of the subject matter of each witness' testimony.
 - (b) Except for good cause shown, no party will be permitted to call any witness not listed in compliance with this Order.

4. Exhibits:

(a) Mark for identification all exhibits to be offered in evidence at the hearing (Plaintiff to use Arabic numerals and defendant to use letters, e.g., Pltf-1, Deft-A, or Deft Smith-A, if there is more than one defendant), and deliver to opposing counsel and to the Clerk a list of such exhibits, identifying those that will be introduced into evidence and those that may be introduced.

(b) Submit said exhibits or true copies thereof to opposing counsel for examination. Prior to the hearing, the parties shall stipulate which exhibits may be introduced without objection or preliminary identification, and shall file written objections to all other exhibits.

(c) Except for good cause shown, no party will be permitted to offer any exhibits not identified or not submitted by said party for examination by opposing counsel in compliance with this Order. Any objections not made in writing by **4:30 p.m. on October 12, 2016** may be considered waived.

5. Depositions, Interrogatory Answers, and Requests for Admissions:

(b) Except for good cause shown, no party will be permitted to offer any interrogatory answer, or deposition or part thereof, or answer to a request for admissions not listed in compliance with this Order. Any objections not made as above required may be considered waived.

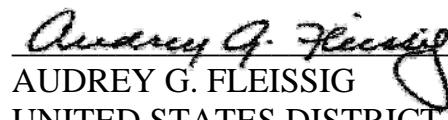
6. Findings, Conclusions, and Trial Brief: Submit to the Court and to opposing counsel full, complete, and specific findings of fact and conclusions of law, together with a trial brief, citing authorities in support of said party's legal theories, particularly addressing Dataphase Systems, Inc. v. C L. Systems, Inc., 640 F.2d 109 (8th Cir. 1981), and its progeny, and discussing any anticipated substantive or procedural problems.

7. Motions In Limine: File all motions in limine to exclude evidence.

8. Bond Proposal: The parties shall submit their positions as to the need for any bond, as required by Federal Rule of Civil Procedure 65(c).

IT IS FURTHER ORDERED that if the parties need additional time to comply with this Order or otherwise wish to delay the preliminary injunction hearing, the parties shall file a motion to continue the preliminary injunction hearing no later than **October 12, 2016, at 4:30 p.m.** Any such motion shall advise the Court of whether the parties agree to

extend the Temporary Restraining Order previously issued in this case until the date of a hearing on the preliminary injunction.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 11th day of October, 2016.